

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

CASEY RYGH,

Plaintiff,

v.

Civil Action No. 2:12-07387

LT. MARGARET CLIFFORD and  
DAVID BALLARD and  
WARDEN JIM RUBENSTEIN, Commissioner, and  
JOHN DOE OFFICERS, all in their  
individual and official capacities,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is the defendants' motion for judgment on the pleadings, filed January 4, 2013.


This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who submitted her proposed findings and recommendation on March 21, 2013, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommends that the motion for judgment on the pleadings be granted and that the plaintiff's claim for monetary damages against the defendants in their official capacities be dismissed. The plaintiff has not objected to the proposed findings and recommendation.

Having reviewed the matter de novo, the court adopts and incorporates herein the proposed findings and recommendation and, additionally, ORDERS as follows:

1. That the defendants' motion for judgment on the pleadings be, and hereby is, granted, and plaintiff's claim for monetary damages against the defendants in their official capacities is dismissed; and
2. That this matter be, and hereby is, recommitted to the newly assigned magistrate judge, the Honorable Dwane L. Tinsley, for further development under the terms of the original referral order.

The Clerk is directed to forward copies of this order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: May 20, 2013

  
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John T. Copenhaver, Jr.  
United States District Judge